

The opinion in support of the decision being  
entered today is not binding precedent of the Board.

Paper 22

Filed by: Trial Section Merits Panel  
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UNITED STATES PATENT AND TRADEMARK OFFICE

FAXED

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

NOV 28 2003

DAVID I. MANSBERY and KENNETH D. LAUNDRY  
Junior Party,  
(Reissue application 10/105,423),

PAT. & TM. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

v.

JOSEPH S. TROMBLEY and CHRISTOPHER JOHN RUDY  
Senior Party,  
(Patent 6,244,165).

Patent Interference No. 105,144

Before: SCHAFER, TORCZON, and MEDLEY, Administrative Patent Judges.

MEDLEY, Administrative Patent Judge.

**JUDGMENT PURSUANT TO 37 CFR § 1.662**


On 21 November 2003, and in response to the show cause order (Paper 19), the Board received from TMIO, LLC, the now common assignee of the Trombley patent and Mansbery application, a request for entry of adverse judgment against Trombley (Paper 21). Accordingly, it is

**ORDERED** that judgment on priority as to Count 1 (Paper 1 at 5) is awarded against senior party JOSEPH S. **TROMBLEY** and CHRISTOPHER JOHN RUDY

**FURTHER ORDERED** that senior party JOSEPH S. **TROMBLEY** and CHRISTOPHER JOHN RUDY is not entitled to a patent containing claims 1-4 and 17-20 (corresponding to Count 1) of U.S. Patent 6,244,165.


**FURTHER ORDERED** that a copy of this paper shall be made of record in files of application 10/105,423 and U.S. Patent 6,244,165.

**FURTHER ORDERED** that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

  
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RICHARD E. SCHAFER  
Administrative Patent Judge

  
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RICHARD TORCZON  
Administrative Patent Judge

) BOARD OF PATENT  
) APPEALS AND  
) INTERFERENCES

  
\_\_\_\_\_  
SALLY C. MEDLEY  
Administrative Patent Judge

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